FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6249 OF 2004

Office Notes, Office Memoranda appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Order

Mr.A.S.Khandeparkar & Aditya Khandeparkar, for Petitioners.

CORAM: D.K.DESHMUKH,J.

DATED: 26th October, 2005.

P.C.:-

As the order dated 9th October,1992 passed by the Trial Court on the application at Ex.20 on the record of the Regular Civil Suit no.43 of 1990 has not been challenged by the petitioners, the petitioners could not

have prayed for framing of issues of tenancy and for its reference to the Tenancy Court. The Trial Court has therefore, rightly observed that inspite of the order dated 9.10.1992, by order dated 12.10.1992 the Court has framed the issue of tenancy and has referred it to the Tenancy Court inadvertently, and therefore, the Court has deleted that issue and has cancelled the order for its reference to the tenancy court. I do not see any patent illegality in the order. The petition is therefore, rejected.